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gnd**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of BUELOW ) Group No.: 1644  
Serial No. 09/742,148 ) Examiner: DeCloux, A. M.  
Filed: December 19, 2000 )  
For: **CYTOMODULATING** )  
**PEPTIDE FOR INHIBITING** )  
**LYMPHOCYTE ACTIVITY** )

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)(1)(i)(A)**

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Dated: 2/3/03By: **RECEIVED**  
FEB 13 2003  
TECH CENTER 1600/2900**RESPONSE TO RESTRICTION REQUIREMENT**

• Assistant Commissioner for Patents

Washington, DC 20231


Sir:

Applicant hereby responds to the Examiner's election requirement in the Office Action mailed October 2, 2002 in the above-referenced application. Enclosed herewith is a petition for a three-month extension of time and the fee therefor, thereby making this a timely response. The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-2319 (Our Order No. A-61008-1/RFT/TAL).

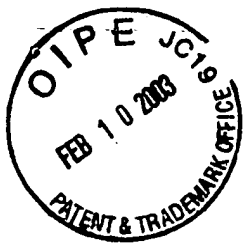
In response to the Examiner's election requirement, Applicant provisionally elects the species represented by SEQ ID NO. 3 for initial prosecution on the merits. In the event that the Examiner finds said species patentable over the art of record, Applicant requests that the Examiner then consider the patentability of the broader genus represented by current Claim 13.

If a telephone call will help expedite any aspect of the prosecution of the instant application, Applicant encourages the Examiner to contact the undersigned by telephone at (415) 781-1989 or by fax at (415) 398-3249.

Dated: February 3, 2003

  
\_\_\_\_\_  
Todd A. Lorenz  
Registration No. 39,754  
DORSEY & WHITNEY LLP  
Four Embarcadero Center, Suite 3400  
San Francisco, California 94104

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1644

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

**BUELOW**

Application No. **09/742,148**

Filed: **December 19, 2000**

For: **CYTOMODULATING PEPTIDE FOR  
INHIBITING LYMPHOCYTE  
ACTIVITY**

Examiner: **Decloux, Amy M.**

Art Unit: **1644**

Docket No.: **A-61008-1/RFT/TAL**

*CERTIFICATE OF MAIL (37 CFR 1.8(A))*

*I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on February 3, 2003.*

*Todd A. Lorenz*

Assistant Commissioner for Patents  
Washington, DC 20231

**TRANSMITTAL**

Sir:

Transmitted herewith are the following documents:

- 1) Response to Restriction;
- 2) Petition For Extension of Time;
- 3) Check No. 2397 for \$465.00; and
- 4) Return postcard.

The Commissioner is authorized to charge any fees, including extension fees or other relief, which may be required, or credit any overpayment to Deposit Account No. 50-2319 (Our Order No.: A-61008-1/RFT/TAL).

Respectfully submitted,  
DORSEY & WHITNEY LLP

*Todd A. Lorenz*  
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